

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

MIDLAND/ODESSA DIVISION

Case No. 7:24-CV-00318

FILED

JUN 17 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK

SGM DANIEL R. AUXIER, and
MR. MARCOS E. MONTEIRO,

Plaintiffs,

v.

THE UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Defendant.

PLAINTIFFS' MOTION FOR EXTENSION OF TIME

Plaintiffs, Sergeant Major Daniel R. Auxier and Mr. Marcos E. Monteiro ("Plaintiffs"), respectfully move this Court for a second extension of time (this "Motion") in the above-styled cause (this "Action"). In support of this Motion, Plaintiffs state as follows:

FACTS/PROCEDURAL HISTORY

1. On March 2, 2025, Plaintiffs, via United States Postal Service, sent a letter to this Honorable Court that was filed/docketed on March 13, 2025 (the "Letter"). *See generally* ECF No. 4.
2. Via this Letter, Plaintiffs provided key facts, and motioned this Honorable Court for more time (summarized for brevity):
 - a. Newly-developed material facts highly applicable to this Action had come to light from several other pending actions;
 - b. Retained counsel was in the process of reviewing the very voluminous materials, and in the process redrafting our pleadings, among other things; and
 - c. The ends of justice would be best served if Plaintiffs were afforded ninety days to prosecute this Case; and
 - d. Service would be effectuated by Plaintiffs upon defendant, Securities and Exchange Commission (the "SEC") within the requested additional time.

Id.

3. In response, this Honorable Court graciously granted Plaintiffs' request for more time, and, as such, a June 14, 2025, was set for Plaintiffs to serve the SEC.
4. Regrettably, however, Plaintiffs (along with their retained counsel) underestimated the time needed to finalize their papers despite having exercised best efforts. In addition to highly extenuating circumstances, such as sensitive personal/family matters pertaining to Plaintiffs' retained counsel, there has considerable developments in several related actions.
5. In light of the last point, Plaintiffs have been forced to drastically adjust their legal arguments, claims, etc., and Plaintiffs' counsel is diligently reviewing these new materials. The complexity and volume of this new evidence necessitate additional time to incorporate these findings effectively.
6. In light of these developments, Plaintiffs respectfully request an extension of no more than thirty (30) days, until July 14, 2025, to finalize their case strategy and ensure the strongest possible presentation of their claims, thereby promoting judicial efficiency.
7. Plaintiffs have acted in good faith and with due diligence in pursuing this matter. The requested extension is not sought for purposes of delay but to ensure the integrity and thoroughness of the proceedings.

WHEREFORE, Plaintiffs respectfully request that the Court grant an extension of time until July 14, 2025, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ SGM Daniel R. Auxier
SGM DANIEL R. AUXIER
105 Valley Road
Wantage, NJ 07461

/s/ Marcos E. Monteiro
MR. MARCOS E. MONTEIRO
5321 Dove Tree Street
Orlando, FL 32811

CERTIFICATE OF SERVICE

Plaintiffs hereby certify that, on June 13, 2025, a true and correct copy of this Motion was mailed to the Clerk of the Court via United States Postal Services for filing.

/s/ SGM Daniel R. Auxier
SGM DANIEL R. AUXIER

/s/ Marcos E. Monteiro
MR. MARCOS E. MONTEIRO

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